

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
MAY 17, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on May 17, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Dennis Drake, Commissioner James J. Eardley, Washington County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

Commissioner Alan D. Gardner was excused, as he is out of the state attending a conference on County business.

The Spectrum was not represented at the meeting.

Commissioner Eardley led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment: May 4, 2011, through May 17, 2011
- Consideration of Administrative Adjustments for Personal Property (attached)
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Applications for Settlement or Deferral of Property Taxes
Angela Bair and Tom Harward, S/N SG-SPV-1-6-L680; Nicholas and Helen Bavaro, S/N NEH-2-6-NS; Denise Jones, S/N SG-RRMHE-2-40; Michael & Stephanie Langford, S/N GMSR-19-A-HV and S/N GMSR-18-HV; Beverly Tedder and Christian Huff, S/N H-HLE-2-62
- Consideration of Applications for Property Tax Abatement
Tamera Carlow, S/N B002960; David Karaszewski, S/N S-KARA-1; Pamela Kelsey, S/N H-SKRG-6-A-D14; Jean Rankin, S/N SG-BFS-1-2; Myrna Rich, S/N W-SHES-2-43; Roland & Karin Schiller, S/N SG-6-2-14-3401; Raymond Sylvester, S/N DVA-2-A-49SW
- Consideration of Approval Regular Commission Meeting Minutes of April 19, 2011, and May 3, 2011
- Consideration of Appointment/Re-Appointment of Members to the Washington County Economic Development Council (attached)

Actions of the Washington County Planning Commission Meeting / 05-10-11

Conditional Use Permit Extension: Review extension to operate an aggregate processing plant and crushing operation in an existing grandfathered pit on 22.39 acres, located in a portion of Section 32, T39S, SLBM, generally located east of Veyo. Sunroc Corporation/Russell Leslie and Dana Truman, applicants.

This is the third (3rd) extension review on a use within the A-10 zone under a grandfather clause, whereas the cinder pit was in existence since the zoning ordinance was adopted in 1972. The applicant has purchased the pit (22 acres) and operates an aggregate processing plant or a crushing operation on site (County Code 10-18-2 Permit Required (amended 2008)). Previously, the site plan showed the location of roads, stock piles, equipment and overhead power lines. If there are to be any employees on site, the applicant needs to provide sanitary facilities. The Planning Commission unanimously recommended approval of the extension of the Conditional Use Permit for one (1) year.

Conditional Use Permit: Request permission to locate four (4) wind towers on State Land near Anderson Junction. Jerry Eves/Southwest Wind Energy, applicant. Bob Mason, agent.

Facts/Findings by the Planning Commission:

- The use complies with all applicable provisions of Washington County ordinances, state and federal law
- The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity
- It does not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks
- It does not unreasonably interfere with the lawful use of surrounding property
- The use is consistent with the characteristics and purposes stated in the general plan
- The use is consistent with the characteristics and purposes stated for the zone
- Traffic safety conditions are not adversely affected by the use. The existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed
- Utility capacity is adequate
- Emergency access is adequate
- The location and design of parking both on site and off street is adequate
- A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate. Exterior lighting is adequate and does not unduly disturb the surrounding area

- Signage is adequate and in compliance with title 10, chapter 19 of this code
- Requirements for the management and maintenance of facilities is adequate
- The use does not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal; in fact the use is creating a service. Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit to locate four (4) wind towers on State Land near Anderson Junction, based on the facts and findings, subject to meeting the requirements of the Forest Service, having a peer review, and submitting the lease agreement with SITLA, which will be for the life of the project and include information pertaining to the decommissioning of the project. Commissioner Wilson seconded the motion, with all four (4) commissioners voting aye.

Modification of Motion/Conditional Use Permit: Request for modification on previous motion on locating four (4) wind towers on State Land near Anderson Junction. Jerry Eves / Southwest Wind Energy, applicant.

The planner explained that the applicant would like the commission to modify its motion or findings that would allow for the signed lease agreement with the State to be submitted during the building permit process, instead of the Conditional Use Permit approval process. The State has provided a copy of their lease agreement that is the standard format issued to all applicants on these types of projects, although this will not be signed, until fees are paid.

Conditional Use Permit: Request permission to operate a non-profit therapeutic riding center on thirty (30) acres located in the Doug Thorley Subdivision generally located southeast of New Harmony. Debra Kermott, applicant.

The applicant has been working on setting up a non-profit Therapeutic Riding Center in the New Harmony area. Presently there are three (3) people with special needs lined up for lessons, and there was an open house held on Saturday, May 7th. Public riding stables being similar in nature to this proposal are conditionally approved within the A-20 zone (County Code 10-7-3). The applicant has thirty (30) acres and over the years has constructed a western village out of accessory buildings. The Silver Spur Therapeutic Riding Center provides quality, professional equine-assisted activities for both children and adults with special needs. The facility will be open only on Saturdays, May through October. The applicant owns six (6) horses and there will be three (3) trained volunteers per rider.

Facts/findings:

- A conditional use within the A-20 zone
- Similar to public riding stables
- Property examined by the Fire Chief who recommended 16,000 gallon water storage and clearing around buildings was noted as a defensible space
- Needed service to this area
- No public opposition
- The proper license and training for this type of equine therapy
- A registered non-profit organization
- Adequate parking

The Planning Commission unanimously recommended approval of the Conditional Use Permit for the period of one (1) year.

Conditional Use Permit: Request permission for three (3) motorized valve buildings in Central, Gunlock, and near Beaver Dam for the UNEV petroleum pipeline project. Cindy Gubler/UNEV representative, applicant.

When applying for the conditional use for the UNEV petroleum pipeline project several years ago, the motorized valve buildings were overlooked. There are three (3) prefabricated buildings in Washington County that cover the valves for the pipeline. They are located at:

- Pipeline Milepost 295.2 in Central, Utah
- Pipeline Milepost 303.2 in Gunlock, Utah
- Pipeline Milepost 325.4 by Beaver Dam, Utah

The planner explained that public utilities are conditionally approved within the OSC-20 zone (County Code 10-6A-3). Site plans of each location were reviewed at the meeting, and Rick Partain, Terminal Manager/UNEV, advised the commission on details about security and fencing. The units at Central and Beaver Dam will be energized by solar panels, and the Gunlock unit will utilize existing power from the existing Kern River Pump Station.

Facts/findings:

- The use was inadvertently missed on the initial request
- In compliance with Federal and State guidelines

The Planning Commission unanimously recommended approval of the Conditional Use Permit for the period of one (1) year.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, with the exception of the Conditional Use Permit Request to locate four (4) wind towers on State Land near Anderson Junction. This item is to be considered separately, as the first item on the Regular Agenda. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

From the Consent Agenda: Conditional Use Permit Request to locate four (4) wind towers on State Land near Anderson Junction.

Commissioner Drake said that he was troubled by the amount of property that the applicant is planning to use and asked if it is strictly School and Institutional Trust Lands Administration (SITLA) land. The applicant, Jerry Eves, explained that for this phase the answer is yes, although there is private property owned by Southwest Wind Energy directly to the east of the SITLA ground. Because of the current County ordinance, windmills are not permitted closer than their current location because of the residential setback on the other side of the freeway. SITLA property is therefore all that is affected at this time. Commissioner Eardley commented that the property to the east, in which the applicant is interested, is currently up for tax sale. Mr. Eves agreed, saying that the easements (prescriptive and recorded) that are needed and the position of the structure and infrastructure are already in place across the private property through the SITLA property. Mr. Eves promised that the property will be redeemed, saying that he has been involved in this project for three (3) years, and has money set aside in escrow for payment of the taxes. Deputy County Attorney David L. Patterson said that the easements would not extinguish with the tax sale but would remain with the property. The Planning Commission did not make findings in this particular project.

MOTION: Motion by Commissioner Eardley to Approve the Conditional Use Permit to Locate Four (4) wind towers on State Land near Anderson Junction Contingent upon the Property Taxes Due Being Brought Current. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

EMERGENCY SERVICES REPORT/SHERIFF CORY PULSIPHER

Washington County Sheriff Cory Pulsipher reported a busy month for the Search and Rescue (SAR) Team: Eleven (11) call-outs, seventy-three (73) SAR members responding, a total of two hundred and twenty-two (222) man-hours. Most events were due to people recreating in the area and not taking proper precautions, and Sheriff Pulsipher encouraged everyone to use common sense and caution when hiking, biking, or otherwise enjoying our recreational areas. A recap of call-outs is attached.

CONSIDERATION OF PURCHASE REQUEST(S): MARK BLANCH

No items were presented today.

CONSIDERATION OF RESOLUTION NO. R-2011-1564, A RESOLUTION TO APPROVE AND ADOPT AN ADDENDUM TO THE NETWORK EXTENSION BUILD AND SERVICE AGREEMENT BETWEEN INTERLINX COMMUNICATIONS, LLC, AND WASHINGTON COUNTY

Mr. Patterson explained that an item concerning switching equipment was omitted from the original Agreement, and the purpose of this Addendum is to add that item.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1564, A Resolution To Approve And Adopt An Addendum To The Network Extension Build And Service Agreement Between InterLinX Communications, LLC, And Washington County. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1565, A RESOLUTION APPOINTING MEMBERS TO THE SOUTHERN UTAH SHOOTING SPORTS PARK SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD

Mr. Patterson indicated that the Southern Utah Shooting Sports Park Special Service District (SUSSPSSD) was created by Resolution in order to better manage that facility. The Administrative Control Board was designed to consist of people nominated from various cities and various venues, as more particularly indicated in the text of Resolution No. R-2011-1565.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1565, A Resolution Appointing Members To The Southern Utah Shooting Sports Park Special Service District Administrative Control Board, as follows:

<u>Location</u>	<u>Name</u>	<u>Term to Expire</u>
City of Ivins	David Anderson	May 31, 2013
City of Santa Clara	Bruce Anderson	May 31, 2015
City of St. George	Kelly Larson	May 31, 2013
City of Washington	Terry Miller	May 31, 2015
City of Hurricane	James Mead	May 31, 2015
City of LaVerkin	Scott Stratton	May 31, 2015
Washington County	Dennis Drake	May 31, 2013

Cowboy Venue
Shotgun Venue

Chad Larson
Nelson Whitmire

May 31, 2012
May 31, 2013

Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1566, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN MRW DESIGN ASSOCIATES, INC. AND WASHINGTON COUNTY TO PERFORM ARCHITECTURAL SERVICES FOR THE COURTHOUSE PLAZA REMODEL

County Administrator Dean Cox said that the architectural and engineering design of the new Justice Center were put out to bid, and MRW submitted the low bid, or four point five percent (4.5%) of the project cost. Working relationships with MRW have been very positive, and therefore he requested the Commission approve a contract for the remodel of the Courthouse Plaza (mechanical, electrical, and actual architectural work) with MRW, as well.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1566, A Resolution Approving The Execution Of An Agreement Between MRW Design Associates, Inc. And Washington County To Perform Architectural Services For The Courthouse Plaza Remodel. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1567, A RESOLUTION AMENDING THE FEES FOR SERVICES FOR THE WASHINGTON COUNTY RECORDER'S OFFICE

These types of fee amendments are done from time to time, in accordance with State statute.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1567, A Resolution Amending The Fees For Services For The Washington County Recorder's Office. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1568, A RESOLUTION APPROVING THE ADOPTION AND SUPPORT OF THE DIXIE COMMUNITY COVENANT TO HONOR AND CELEBRATE THE MILITARY MEN AND WOMEN OF THE UTAH NATIONAL GUARD'S 222ND FIELD ARTILLERY UNIT, AND THE UTAH NATIONAL GUARD'S 213TH FORWARD SUPPORT

COMPANY, AND THEIR FAMILIES, AND ALL MILITARY MEN AND WOMEN, AND THEIR FAMILIES, WHO HAVE SERVED, OR ARE PRESENTLY SERVING IN THE MILITARY, AND THEREBY COURAGEOUSLY SUPPORTING AND DEFENDING OUR COUNTRY, WASHINGTON COUNTY, AND THE DIXIE SPIRIT

Sgt. Durfey and Capt. Jason Seegmiller of the Utah National Guard were in attendance. Capt. Seegmiller presented a short video entitled "The Price of Peace," written by three (3) thirteen (13) year-old girls from Illinois whose fathers were recently deployed to Iraq. The purpose of the Covenant is to reinforce the support of the nation for those who are serving or have served in the armed forces, and their families, who have made tremendous sacrifices on behalf of all citizens.

Upon completion of the video, Deputy County Attorney David Patterson (a former fighter pilot in Vietnam) read the resolution in its entirety.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1568, A Resolution Approving The Adoption And Support Of The Dixie Community Covenant To Honor And Celebrate The Military Men And Women Of The Utah National Guard's 222nd Field Artillery Unit, And The Utah National Guard's 213th Forward Support Company, And Their Families, And All Military Men And Women, And Their Families, Who Have Served, Or Are Presently Serving In The Military, And Thereby Courageously Supporting and Defending Our Country, Washington County, And The Dixie Spirit. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Drake and Eardley voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead updated the Commission on current projects:

- The Road crew is still working installing pipe for the irrigation project in New Harmony and on replacing erosion control structures in that same area
- Responses have been received from FEMA on small projects within the unincorporated part of the County. No response has yet been received on the large projects that the County is sponsoring for the cities. Certain claims are still being denied for insurance reasons, but the State of Utah has stepped in to appeal those denials on the County's behalf. At least one denial has been reversed, at this time.
- Because of the difficulties in the Midwest, along the Mississippi River, now would be a good time for the Commission to contact Congressional

representatives to remind them that there is a real need in this locale for federal assistance, as well.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

COMMISSIONERS' REPORT

Chairman Drake said that this will be the final appearance at a Commission meeting of Deputy County Attorney David Patterson, who has been of invaluable service to this Commission and its predecessors over the years. Chairman Drake presented a plaque to Mr. Patterson, in honor of his many years of service. Mr. Patterson will be sorely missed.

Chairman Drake also introduced Eric Clarke, Mr. Patterson's replacement in the County Attorney's Office.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4: p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN